

Patrick and Elizabeth Kehoe

March 21, 2017

119 & 121 West Pedregosa Street

Santa Barbara, Ca 93101

Case # APN 027-022-003(pre 2016-06637)

650-814-9266
650-906-8099

Dear Vice Chair Wiscomb,

We are one of 72 R-4 Home owners who have been caught up in the game the city is playing to keep short term vacation rentals out of Santa Barbara.

When we purchased our home several years ago, we did our research, and were told by the city planning department that the only place it was legal to own and operate a short term vacation rental was in commercial, coastal and R-4 zones. We were also told that we would have to have a permit to do so and pay Hotel (TOT) taxes.

Armed with this knowledge, and after discussing it with our retirement planner, we developed a long-term plan to help us through our "golden years". We sold a beautiful three bedroom home with a view in the Riviera and purchased a 2 bedroom home with a small, private apartment behind it in the Oak Park Area of Santa Barbara, on West Pedregosa Street.

Our neighborhood has it's charm but we are surrounded by a stereo shop, dry cleaner, Mc Connell's Ice Cream, Cajun Kitchen, and an Alzheimer's home directly behind us. I tell you this to make the point that *nobody would choose to move from the Riviera to this neighborhood, except for the fact that its an ideal place to run a one bedroom vacation rental*. It's a block and a half from State street and close to the amenities that visitors want and need. It is near to beaches, a block from a coffee shop, and near several restaurants. It is walk-able to everything. Because of our location, many of our visitors don't even bring cars! We made this trade to ensure our retirement. When we did it, this was legal.

We are well aware of the cities need to find affordable rental housing for lower income workers. However we will never rent our apartment in that way. Our children and friends live in other states, and by down sizing to a two bedroom home, we need that 3rd bedroom for when my family and friends visit.

We viewed the recent Planning Commission meetings in the public video. So it is a matter of public record that the Planning Department is attempting to re-define the term "residential". This seemingly simple but very deceitful tactic would

dramatically affect those of us who invested millions of dollars in homes in the coastal and R-4 zones. The City has been successful in stopping all other short vacation rentals throughout Santa Barbara, by simply enforcing the existing zoning ordinances. Those are already on the books. Those codes, which had been ignored for years forbid short term rentals **except** in the commercial and R-4 zones, where they have been expressly permitted. **This is a property right that we purchased when we bought our home.**

The Request from the city that those of us in R-4 convert to hotels is yet another tool to put us out of business. The costs and hurdles are so prohibitive as to drive 80% of us to quit before starting. Those of us who have soldiered on and paid the hefty fees for the "site studies" and permits, have been met with (time and again) change after change in requirements. Once one is met, a new one is added. Building codes are interpreted differently by different people within the same department. Most interesting to me, is that homeowners must satisfy one building request before they will tell you if the next will be a problem. No one would ever make a business decision this way. All city approvals are made from behind the desk. Not one city employee has come out to actually see, measure or otherwise verify my space.

I have paid \$540.00 for a permit fee. I have had to hire an independent planner to try and facilitate things at an additional \$1200.00, but still there is no movement on my case. They say they use Google Earth to determine parking requirements. But my drive way cannot be seen by Google Earth, due to a large oak tree that obscures the view.

Currently our case is stalled because of a parking formulation they want to apply. Because they are requiring us to convert to a commercial entity; Planning wants to apply a commercial parking formula. That formula says we will need to have park four cars on our driveway. Because my apartment is not a studio, I must be able to park an additional car?? Would a visiting couple from out of town really drive two cars more often to a small one bedroom apartment vs a studio? I think not. I have never had any renter bring more than one car. I have a part time use situation. Most of my renters arrive for the weekends. Many come with out cars and use our free bikes, use Uber or walk. (Even more galling to us is that if we were to rent our apartment full time a working couple, they would surely drive two cars, and there would be NO such requirement for additional parking).

The city's suggested solution: Demo the interior of my one bedroom apartment, and turn it into a studio! Of course! Planning was well aware that the cost of doing so would cost prohibitive and ruin a beautiful lodging! (Please see photos included). But **IF I invest in altering my apartment, and changing it into a studio, then the 3 car parking ratio *should* apply.** Then, and ONLY then, will they tell me if the other aspects of my case will pass the permit process! They suggest this so that they can now use a different formula, and now say that only 3 cars might need to park on my driveway, instead of 4.

Someone really needs to take a step back and look at how ridiculous all this is! It is harsh and arbitrary. It is also deceitful as it is clear the entire application process is set to fail. There is a term for when a person or an entity sells you a product or a service that they have no intention of providing. Some would call it Fraud. At a minimum, it is a shameful way to treat Santa Barbara citizens. Charging fees, keeping us running in futile circles for (so far) 8-9 months. It is very clear to all of us that we are being given the run around. Many of us have invested a great deal of time and money *trying* to comply with the city's ridiculous hotel conversion process. We are suffering a serious loss of income (as of January 1st, our businesses are dead in the water, being limited to 30 day rentals which, of course are not happening). All of the 72 of us have paid (at minimum) \$540 for a permit, which it seems the planning department never had any intention of issuing to any of us. Many have paid considerably more to have conversion work done, water and gas lines split, hire planning help and designers, installing gray water systems, etc. etc.

The previous lack of proper enforcement by the city on the R1-R3 (non legal) short term rentals has become the problem of all legal short term rentals. It appears the city's knee jerk reaction to short term rentals, (KILL THEM ALL) with out taking the time to develop a more thoughtful approach to preserve those that should be grandfathered is now beginning to have consequences.

This is why you witnessed the city sneakily trying to change the code by re-defining the term "residential", while at the same time claiming they were not going to address the short-term vacation rentals with the NZO.

Mr. Kato is obviously under pressure from the City Counsel to help make us "go away". Even though the mission of the NZO was expressly to avoid dealing with Short Term Rentals, **they went there anyway!** I cannot tell you WHY the city is so opposed to our little industry, but I can tell you that we serve a very valuable function. You should understand that The California Coastal Commission is very aware of this dynamics of this situation. For an update of the CCC ordinance *involvements see attached documents.*

Also please take a look at how Oxnard has chosen to address the STR issue, AND satisfy the California Coastal Commission., attached.

Santa Barbara is the ONLY city that has required Short Term Vacation Rental Owners to physically convert their properties to hotels. No other city has taken that extreme route. This direction does nothing to address the original concerns about noise, or tenant behavior, or partying late at night. There are no controls in place with this conversion process which address neighborhood character, simply because we convert to a hotel. In fact, by doing so, the opposite could be argued.

Please, Vice Chair Wiscomb, insist that the City Planning Department step back from this process. We ask for a moratorium so that the City can adopt a better way to regulate Short Term Rentals in the R-4 and Coastal Zones. We ask that you allow us

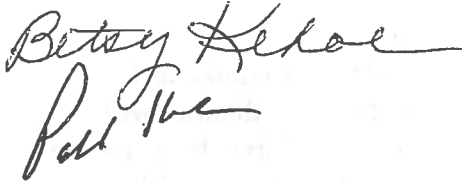
to continue to operate our business until a clear and fair way to regulate Short Term Rentals can be adopted! Perhaps by using one of the models suggested by the CCC, or the one put into place by the City of Oxnard.

We do not want to convert our homes to hotels. Doing so **WILL permanently remove them from the housing stock**, for when we sell them, we must sell them as hotels. We need time to find a better way to regulate Short Term Rentals. If we can do that, it could be a win-win for all concerned. Planning would no longer have to deal with us in the wake of all the AUD and all other things it has to deal with. The CCC would get what it wants, families would gain affordable access to the beaches Santa Barbara would regain some sense of being a hospitable place, and those of us in the R-4 would get our livelihoods back.

Please see enclosed link to my VRBO page. The photos will tell the story about what it would mean to tear down the interior of the apartment, to allow for one additional car to park on my driveway that has never been brought by any visitor. You can also see the 50 plus 5 star ratings we have received from happy visitors, who would like to return to Santa Barbara to spend their money here again someday!

Sincerely,

Betsy and Pat Kehoe

Handwritten signatures of Betsy Kehoe and Pat Kehoe. Betsy's signature is in cursive and Pat's is in a more stylized, blocky cursive.

City of Santa Barbara
Planning Department
630 Garden St.
Santa Barbara, Ca

To whom it may concern:

I am writing to support the application of our neighbors, Betsy and Pat Kehoe, who reside at 119 W Pedregosa St. The Kehoes have applied for a change in Use from Residential to Commercial for one of the 2 units on their property. This change would allow rental of the unit as a short term vacation unit under the city's new program for R-4 zone properties.

The Kehoes have owned the property next door to us for a number of years. We have never had any issues of nuisance or other negative effects from their renters.

We support their plans as presented.

Thank you,


Nancy Mulholland

Mark Sapp
115 W Pedregosa St
Santa Barbara. Ca 93101

Letter of Approval
for our STR or
Hotel Conversion
from our only
immediate full
time neighbor
(property owner)
in the R-4

Attachment "A" **Recent Action by the California Coastal Commission on** **Short-Term Rentals**

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5100
TDD (415) 597-5195



July 19, 2016

Sample of Commission Actions on Short Term Rentals

Several local governments in the coastal zone have developed LCP ordinances to address Short Term Vacation Rentals. Some examples of the Commission review and actions on these LCP amendments are listed below. These often have a history of local controversy. For any questions about these actions, please contact the Commission staff in the applicable District office at <http://www.coastal.ca.gov/address.html>

City of Trinidad LCP Amendment No. LCP-1-TRN-14-0846-1 (Vacation Dwelling Unit ("VDU") Ordinance) (Ord 2014-01) - IP amendment; adds a new Section 6.26 addressing the licensing of short term rental of single- and multifamily residences and accessory dwellings as "vacation dwelling units;" includes changes to the coastal zoning ordinance's signage and off-street parking sections pertaining to such vacation rentals. The IP amendment includes various requirements for use of residences for vacation rentals such as parking requirements, occupancy limitations, and restrictions on water use to avoid overtaxing septic system capacity. Approved as submitted at Commission hearing 3/11/15. In June 2015, a moratorium was enacted through urgency ordinance due to community concerns about negative impacts of VDUs.
<http://documents.coastal.ca.gov/reports/2015/3/w9b-3-2015.pdf>
See also Attachment 1.

Humboldt County LCP Amendment No. HUM-MAJ-1-98-C - Allows for vacation rentals in the Shelter Cove area of Humboldt County only. Approved with suggested modifications at the Commission hearing 9/14/05, but the County did not accept the suggested modifications in a timely manner (by March 2006) and the amendment expired.
<http://documents.coastal.ca.gov/reports/2005/9/W5a-9-2005.pdf>

Santa Cruz County LCP Amendment No. 1-11 Part 3 (Vacation Rentals) - Allows vacation rentals in all zoning districts that allow stand-alone residential uses and requires: 1) a permitting/registration process; 2) payment of Transient Occupancy Tax (TOT) to the County; 3) signage identifying a structure as a vacation rental, including the name and phone number of a local contact person responsible for responding to complaints; 4) a dispute resolution process, and; 5) that the property owner be subject to enforcement provisions; limits the number of guests allowed at any one time, and the number of vehicles allowed per vacation rental unit; regulations don't apply to the Pajaro Dunes area, and include additional requirements within the Live Oak Designated Area (LODA) (essentially the Live Oak beach area between the Santa Cruz Harbor and 41st Avenue) that prohibit new vacation rentals if vacation rentals exceed 20% of the residential use of any particular block or if vacation rentals constitute more than 15% of residential stock in the LODA overall. Approved as submitted at Commission hearing 7/12/11.
<http://documents.coastal.ca.gov/reports/2011/7/3/wb-3-2011.pdf>

Sample of Commission Actions on Short Term Rentals
July 19, 2016

Santa Cruz County LCP Amendment No. LCP-3-SCO-15-0008-1 Part A (de minimis) (Vacation Rental Ordinance Update) - Extends the regulations governing vacation rentals in the Live Oak Designated Area (LODA) to a portion of the Aptos/Seacliff area referred to as the Seacliff/Aptos Designated Area (SADA); clarifies regulations to: 1) provide more specificity for notice to the public and renters (e.g. a requirement that applications include a photo of required contact sign and owner contact information, and a requirement that vacation rental signs be maintained while in rental); 2) require an amendment to a vacation rental permit if the number of bedrooms in the vacation rental is increased or if the square footage of the vacation rental is increased by more than 50%; 3) expand violation provisions; 4) clarify that a vacation rental is a dwelling that is rented in its entirety (as opposed to one or more rooms rented within a single family dwelling), and; 5) prohibit new vacation rental units in "common wall" developments unless the adjoining property owners have no objection to the issuance of a permit for such use. The creation of the SADA is intended to apply the vacation rental restrictions that are currently in place for the Live Oak Area (e.g., a limit on the number of vacation rentals per block) to a portion of the Seacliff/Aptos area, with the exception of certain locations in the Seacliff/Aptos area that have historically provided substantial vacation rental opportunities. Approved at Commission Hearing 5/14/15.
<http://documents.coastal.ca.gov/reports/2015/5/th22a-5-2015.pdf>

San Luis Obispo County IP Amendment No. LCPA 1-01 Part A (Vacation Rental Ordinance) - Defines and identifies residential vacation rentals as a particular type of land use, conditionally authorizes this use within various land use categories throughout the County coastal zone, and establishes regulations for residential vacation rentals that are applicable only in the communities of Cambria and Cayucos, where residents have expressed significant concerns regarding the impacts of vacation rentals. Approved with suggested modifications, 4/11/03; Certification Review 9/10/03.
<http://documents.coastal.ca.gov/reports/2003/4/F18a-4-2003.pdf>
<http://documents.coastal.ca.gov/reports/2003/9/W13c-9-2003.pdf>

San Luis Obispo County IP Amendment No. LCPA 1-12 (Vacation Rentals) - Refines the IP ordinance language first certified in 2003, and allows for vacation rentals in residential and agricultural properties throughout San Luis Obispo County's coastal zone, with additional regulations for the Cambria and Cayucos areas of the County due to residents' concerns about the impacts of vacation rentals in these communities). Approved as submitted at Commission hearing 11/13/13.
<http://documents.coastal.ca.gov/reports/2013/11/W10a-11-2013.pdf>

City of Pismo Beach No. LCP PSB-1-10 Part 2 (Vacation Rentals) - Proposed a ban on vacation rentals in all residentially zoned areas. Denied by the Commission at 12/8/11 hearing.
<http://documents.coastal.ca.gov/reports/2011/12/Th20b-12-2011.pdf>

City of Dana Point LCP Amendment No. 1-14 (LCP-5-DPT-MAJ-14-0105-1 Short-Term Rentals) - Allows short-term rentals in all the Zoning Districts where residential uses are allowed, subject to the criteria listed in Chapter 5.38 of the City's Municipal Code.

Sample of Commission Actions on Short Term Rentals
July 19, 2016

Approved with suggested modifications, April 14, 2016. Not yet effectively certified.
<http://documents.coastal.ca.gov/reports/2016/14h10a-4-2016.pdf>

City of Encinitas LCP Amendment No. 2-05 (Short-term Vacation Rentals) – Request to prohibit vacation rentals in all residential zones; Continued at 10/12-14/05 hearing – duplicate LCPA request to No. 1-06 – Ultimately withdrawn by applicant at 2/9/06 hearing.

City of Encinitas LCP Amendment No. 1-06 (Short-term Vacation Rentals) – Allows for vacation rentals in the City of Encinitas on the west side of Highway 101 only.

Approved with suggested modifications at hearing 11/14-17/06; the City did not accept the suggested modifications and the amendment expired.

<http://documents.coastal.ca.gov/reports/2006/11/19c-11-2006.pdf>

See the Addendum in Attachment 2.

City of Solana Beach Land Use Plan – Permits short-term vacation rentals in all residential zones but specifies a minimum seven (7) day stay. The Commission found the City's small size and the lack of services and activities typically associated with a vacation destination in its residential neighborhoods were distinguishing factors. The Commission also noted that while the restriction on short-term rentals to a minimum of 7 days could limit their use by vacationers who cannot afford the time and expense of a weekly rental, a 7 day minimum still ensures some vacation rental opportunities in Solana Beach.

Approved with suggested modifications at 3/7/12 hearing; revised findings adopted at June 2012 hearing

<http://documents.coastal.ca.gov/reports/2012/6/1h24a-a-2012.pdf>

City of Imperial Beach LCP Amendment 1-02 A (Short term Rentals) – Proposed prohibition of short-term rentals of residential properties except in Seacoast Commercial Zone and Overlay. Denied at Commission hearing 9/9/02; revised findings adopted at November 2002 hearing

<http://documents.coastal.ca.gov/reports/2002/9/M7a-9-2002.pdf>

<http://documents.coastal.ca.gov/reports/2002/11/1h16a-11-2002.pdf>

And see Addendum in Attachment 3.

City of Imperial Beach LCP Amendment 1-03 (Short-term Rentals) – Adds a definition of "short-term rental" as "the renting of residential property for less than 30 days; adds short-term rentals as a permitted use in the C-1 (General Commercial), the C-2 (Seacoast Commercial) and MU-2 (Mixed Use Overlay) zones. A specific, limited number of existing short-term residential rentals that have been issued a provisional permit would be permitted in the R-1500 High Density Residential Zone until January 1, 2007. Does not apply to bed and breakfast-type inns, motels, hotels, or timeshare developments; also adds a new definition of "time share." Approved as submitted 2/19/04

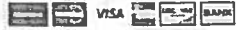
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NOTICE: California Coastal Commission ready to fine Community Association over Short-Term Rental ban

Added by Citizen Reporter on September 11, 2016.

Saved under Oxnard/Port Hueneme/Camarillo/Somis, Press Releases

Tags: California Coastal Commission, Mandalay Shores Community Association, Oxnard Shores, Short Term rentals, STR, warning

PRESS RELEASE

OXNARD, Calif. September 8, 2016 – The California Coastal Commission (CCC) has weighed in on a battle over a local community association's ban of short term vacation rentals (STVR's).

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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(562) 590-5071



SENT VIA REGULAR AND CERTIFIED MAIL

August 26, 2016

Mandalay Shores Community Association
Attn: Deirdre Frank, President
1237 S Victoria Ave. #252
Oxnard, CA 93035-1292

Subject: Rule to Prohibit Short Term Vacation Rentals

Dear Ms. Frank:

As you may know, the California Coastal Act was enacted by the state legislature to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to provide maximum public access to the sea.

The Commission has long considered overnight accommodations to be facilities that are critical to providing coastal access. In some instances, short term vacation rentals may provide a lower cost alternative to renting hotel or motel rooms for large families or groups of individuals. In all instances, short term vacation rentals increase the range of options available to coastal visitors.

In response to a STVR ban enacted by the Mandalay Shores Community Association (MSCA), the CCC has sent notice (CCC letter to MSCA 8.26.16) to the MSCA of "our intent to consider pursuit of remedies, including administrative penalties." The Notice warns the MSCA that, it should "immediately cease any activity that interferes with public access to the coast, including by rescind[ing] the [STVR ban], and 2) ceas[ing] enforcement of said rule."

Specifically, the CCC states that, "In all instances, short-term vacation rentals increase the range of options available to coastal visitors." and that, "Under the Coastal Act these type of rentals constitute a high-priority visitor service used to provide important overnight accommodation for members of the public and Coastal communities and support increased Coastal access opportunities."

The Notice states that per Coastal Act sections 30600(a) and 30106, the MSCA's "STVR ban constitutes 'development' under the Coastal Act," for which a "valid coastal development permit" is required. The Notice also states that CCC staff are unaware of such a permit, or an application for one. The Notice warns that, "Any development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act."

The CCC also warns that the MSCA's "significant violations of the public access provisions of the Coastal Act" entitle the CCC to "impose administrative civil penalties in an amount of up to \$11,250 per day [,] and a court to impose civil liability in an amount up to \$30,000 plus "an amount not less than \$1,000 and not more than \$15,000 per day" when the violation occurs "intentionally and knowingly."

Furthermore, the CCC noted that, through the permit process, which the MSCA failed to follow, "the [CCC], City, and interested parties can work together to develop regulations for [STVR's] that address the Association's concerns while ensuring consistency with the Coastal Act [,]" although the CCC also warned that it was "not likely that [CCC] would support a prohibition on [STVR's]."

About Mandalay Shores Community Association

The MSCA is a community association comprising virtually all beach homes and beach



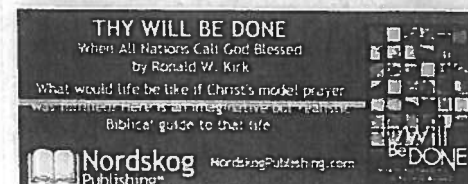
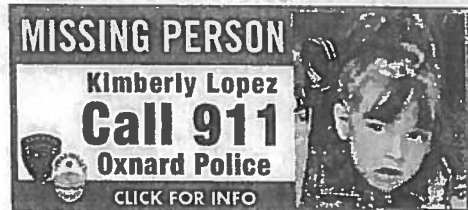
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apartments in the city of Oxnard, Calif. The area has a long history of vacation rentals dating back to the 60's. In a closed-door meeting on June 26, 2016, the MSCA Board of Directors, led by Deidre Frank, banned STVR's of less than 30 days and set fines per violation escalating from \$1,000 to \$5,000. The ban went into effect on August 21, 2016. On August 18, in a lawsuit filed in Ventura County Superior Court by an MSCA member, the court ordered the MSCA to show cause why the ban should not be preliminarily enjoined pending the eventual trial of the action.

About the California Coastal Commission

The California Coastal Act was enacted by the state legislature to provide long-term protection of California's 1,100-mile Coastline and with the implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The Coastal Commission is the state agency created and charged with administering the Coastal Act. In all instances the Commission has ruled that short-term vacation rentals increase the range of options available to visitors to the coast and such rentals constitute a high-priority visitor service providing important overnight accommodations for the public and coastal communities and support of increased coastal access opportunities.

About Short Term Rentals in Oxnard Shores

STR's are proud property owners in Oxnard Shores, California. They share a common interest in maintaining and enhancing the quality of life in Mandalay shores. Some use their property for short-term rentals, thereby generating much needed Transient Occupancy Tax which is paid to the City of Oxnard. They believe that open dialogue, mutual respect, and consideration are the only way to resolve issues. More information can be found at www.ouroxnardshores.org.

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Ventura County Events

Maritime Museum reception and exhibit:
"Love Letters Home" on January 25, 2017

"Et in Arcadia Ego" at Cal Lutheran on



PLANNING COMMISSION STUDY SESSION

TO: Planning Commission

FROM: James Combs, Assistant Planner

DATE: November 3, 2016

SUBJECT: Study Session Regarding Short-Term Vacation Rental (STR) Regulations.

1) Recommendation: That the Planning Commission receive a presentation regarding Short Term Rental regulations, receive public input, and provide direction to Staff.

2) Background:

- a) Generally:** In recent years, the advent of online services such as Airbnb and VRBO has led to a rise in the number of short-term rentals in communities in Oxnard and across the U.S. Generally, STRs are a dwelling unit that is rented to a tenant for a period of less than 30 consecutive days. While STRs are praised by some residents for increasing tourism, stimulating the economy, and filling otherwise empty vacation homes, the City has received numerous complaints regarding nuisances, effects on the quality of life, and community character. Beginning in mid-2015, in response to the increased community interest, the Planning Division began researching the various methods by which STRs are regulated by local jurisdictions and the California Coastal Commission (CCC).
- b) Current Status of STRs:** Although STRs are not specifically indicated as an allowed use in the residential zones, STRs have occurred in the City of Oxnard for a number of years. Especially in the Coastal Zone (including the Channel Islands Harbor area), some owners use their homes as vacation homes and lease them out for part of the year – generally using a property management company to manage the rentals if they lived outside of the area. The advent of internet rental services, however, has significantly increased the visibility of STRs in recent years.
- c) California Coastal Commission:** A number of cities within the Coastal Zone are currently considering new regulations, or outright bans on short term rentals. However, the CCC has taken the position that – given that short term rentals have occurred in the Coastal Zone for a number of years – cities cannot ban short term rentals without an amendment to the Local Coastal Plan which addresses state policy concerning coastal access. Given the CCC position to date, it is unlikely that the CCC would allow an outright ban on short term rentals within the Coastal Zone. CCC staff have, however, expressed willingness for cities to

adopt so-called “good neighbor” regulations on short term rentals.

In letters written to the City of Laguna Beach, and the City of Hermosa Beach the CCC interpreted STRs as “a form of residential use, permitted by right, in any residentially zoned area unless such uses are specifically prohibited or otherwise restricted.” When communities have approved strict regulations and/or the prohibition of STRs within coastal jurisdictions they have regularly been overturned or modified. In CCC review of prohibitions in the cities of Pismo Beach, Encinitas and Imperial Beach, the CCC cited STRs as a “high priority visitor-serving use” and an “affordable option of overnight accommodations...” Attachment “A” provides examples of recent CCC decisions following attempts to ban or strictly regulate STRs.

3) Community Outreach and Public Input:

- a) Online Survey:** The City hosted an online survey between March 21 and April 6, 2016 to solicit public opinion on STRs. The survey was completed by 840 people, 750 of whom either reside or own property within City limits. Although opinions expressed in the survey varied, there was consensus that STRs have the potential to negatively impact the community and should be regulated. The results of the online survey are included as Attachment “B”.
- b) August 16, 2016 Community Meeting:** On August 16, 2016, a community meeting was held to review the results of the online survey, provide an overview of STRs, best practices to regulate STRs, and discuss proposed standards for STRs; 157 people attended this meeting. Of the attendees, 86% of the participants represented coastal neighborhoods. Following Staff’s presentation, the public was asked to participate in an exercise to provide additional feedback on seven specific STR regulations (see Attachment “C”).
- c) General Community Input:** In addition to the online survey and the community meeting, Staff has established a dedicated email address (info.str@oxnard.org) and website (www.oxnard.org/str). To date, Staff has received approximately 100 e-mails, 150 phone calls and approximately 50 handwritten letters regarding STRs. The correspondences include suggested regulations, complaints of existing STRs and how the community is negatively affected, requests to allow, and requests to ban STRs in Oxnard.
- 4) Best Practices:** In reviewing how other cities have addressed STRs, Staff has identified the following best practices which we recommend be incorporated into STR regulations for Oxnard. Staff recommends inclusion of these best practices because these practices provide regulations which are being successfully utilized in other communities, and respond to concerns Oxnard residents have expressed. Staff acknowledges that additional refinement of these regulations, and processes to address reporting and permitting will be needed when an ordinance is presented to the Commission in the future:

- STRs should be defined as the rental of a housing unit for less than 30 days.
- Occupancy limits should be set at two people plus two additional people for each bedroom.
- A responsible caretaker must respond to complaints within 30 minutes of the complaint being logged and transmitted to the caretaker.
- Trash cannot be left in public view, except in containers for collection between certain hours for collection.
- An STR must have a nuisance response plan approved by the City as part of the STR review and approval process.
- STR lease agreements shall include operating restrictions to address the public health, safety, and welfare.
- Operating restrictions shall be prominently posted inside the STR while it is rented.
- Advertisements must include a City permit number.
- Nearby residents and property owners must be notified of a new STR in their area and should be provided with caretaker's contact information.

5) Regulations Suggested by Community Consensus: The survey and community meeting, indicated that there is overwhelming support from the community for the following regulations:

- Limit the number of visitors to an STR. A suggested limit is two daytime visitors, plus one additional visitor for each bedroom. Daytime hours were not specified to the community but staff proposes 7:00 AM to 10:00 PM.
- An STR should be required to pay transient occupancy taxes (TOT).
- An STR must receive a permit to operate from the City of Oxnard.
- The minimum rental duration of STRs should be the same year round and not vary by season.

6) Staff Recommended Regulations: In addition to the identified best practices, and regulations suggested by community consensus, Staff recommends implementing regulations which specifically address STR issues expressed by members of the community, and which are unique to specific areas of the City. Staff recommends the inclusion of the following additional regulations:

- **Parking-Based Occupancy Limit:** Apply a parking-based occupancy limit to supplement the occupancy limit based on bedrooms. The lower of the two occupancy limits shall be established as the overnight occupancy limit. Staff recommends allowing a parking-based occupancy limit of four people for each vehicle parking space provided on the STR property.
- **STRs On Properties Built to Zero Property Lines:** A number of community members have expressed concern over the unique security and safety issues associated with the close proximity of properties where residences are constructed immediately adjacent to a

property line; this is often characterized as condominiums, some small lot single-family subdivisions, and townhomes. Zero property line construction is common in the Channel Islands and Oxnard Dunes neighborhoods. Staff recommends that in instances where residences are built to a zero property line, an STR must seek neighbor(s) approval from the immediately adjacent neighbor.

- **Require Posting of Contact Information for Operator/Owner:** At all times that the STR is being rented, a sign shall be posted outside of the STR with the name and contact information for the responsible caretaker as well as other pertinent information regarding operating restrictions. The sign shall be taken down when the STR is not being rented.

7) Regulations Without Community Consensus: Consensus has not been achieved for the following regulations being considered by Staff:

- **Minimum Rental Duration:** The community has been surveyed twice on this topic with responses being sufficiently varied. An excerpt from Attachments “B” (Online Survey) and “C” (Community Meeting) are contained below and show the breakdown of community input:

Online Survey			
What minimum rental duration should be established?			
1 night	123	17.5%	
2 nights	168	24%	
7 nights	196	28%	
14 nights	42	6%	
30 nights	172	24.5%	
Total Responses:	701	100.0%	

August 16, 2016 Community Meeting			
What minimum rental duration should be established?			
1 night	12	11.2%	
2 nights	14	13.1%	
3 nights	25	23.4%	
7 nights	22	20.6%	
10 nights	34	31.8%	
Total Responses:	107	100.0%	

The CCC has not approved a minimum rental duration of greater than seven nights for communities with recently established STR regulations. Staff recommends that the Commission consider what, if any, minimum rental duration is appropriate for the City of

Oxnard. Based upon CCC decisions and community input, staff recommends either two, three, or seven nights.

- **Maximum Total Number of Nights Rented Per Year:** Oxnard has historically been a place where long term residents share their neighborhood with people who own vacation homes, who visit those homes occasionally and rent them when not in use. Prior to the community meeting in August 2016, a concern expressed was that an increasing number of STRs are being operated by investors who have little connection with the neighborhood and have been unresponsive to neighbor concerns. At the community meeting, Staff asked for input from the community on this issue. However, as shown in an excerpt from Attachment “C” below, no clear direction was received:

August 16, 2016 Community Meeting			
Maximum Number of Nights Rented Per Year			
Should an STR be limited to a maximum number of rentals per year?			
No	60	46.9%	
90	55	43.0%	
120	4	3.1%	
180	9	7.0%	
Total Responses:	128	100.0%	

Establishing a limit on the number of days per year a STR may be rented discourages the operation of STRs as investment properties and encourages their use by owners. The maximum nights rented per year is a limit on the total number of nights a STR may be rented in a calendar year, not necessarily consecutively. As an example, if the maximum number of nights is set at 90 the STR could be rented out nearly every day of the summer, but could not be used as an STR for the rest of the year. Alternatively, the STR could be rented out nearly every weekend for the entire year as there are approximately 104 weekend days in a year, but would need to be empty during the week. If a 7 day *minimum were instituted, in addition to a 90 night maximum number of nights rented*, STRs would be limited to 12 one-week rentals per year ($90/7 = 12.8$). As a reference, the City of Los Angeles Draft Ordinance, proposes a 120 day maximum number of nights per year. Staff would like the Commission to consider if a limit on the total number of nights an STR may be rented would be appropriate for the City of Oxnard.

- **Homestays:** A homestay is when the property owner and/or a long-term tenant remains on the property while a portion of the housing unit is being rented; often a room. Homestays seek to address the negative impacts of STRs by ensuring that a caretaker is onsite to immediately address potential issues or violations. All facilities, including kitchens, are shared between the owner or long-term tenant and the short-term tenant as part of a homestay. Homestays also limit the feasibility of investor operated STRs. The City of Santa Monica and the City of Los Angeles (Draft Ordinance), do not allow short-

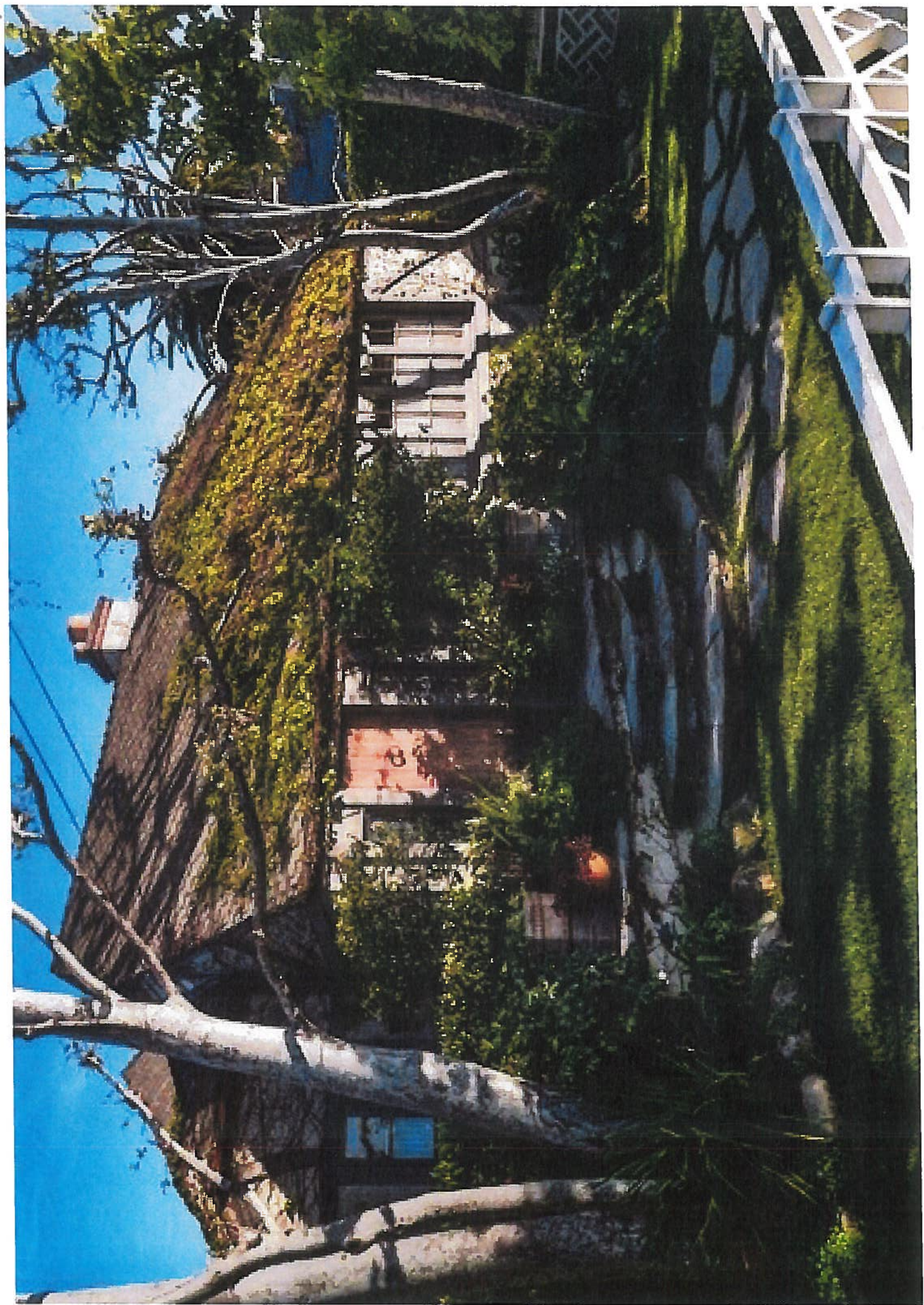
term rental of a house unless it is operated as a homestay. The City of San Francisco has separate regulations for STRs where the homeowner is onsite versus when they are out of the home. Based on San Francisco's experience, dual regulation for owners being onsite / offsite is nearly impossible to enforce. Staff would like the Commission to consider whether to require homestays. As shown in an excerpt of Attachment "C" the community was split on the issue of homestays:

August 16, 2016 Community Meeting			
Homestays Only (Property Owner Must Live On-Site While Rented)			
Should a property owner be required to be on-site while the unit is rented?			
No	69	51.5%	
Yes	65	48.5%	
Total Responses:	134	100.0%	

Attachments:

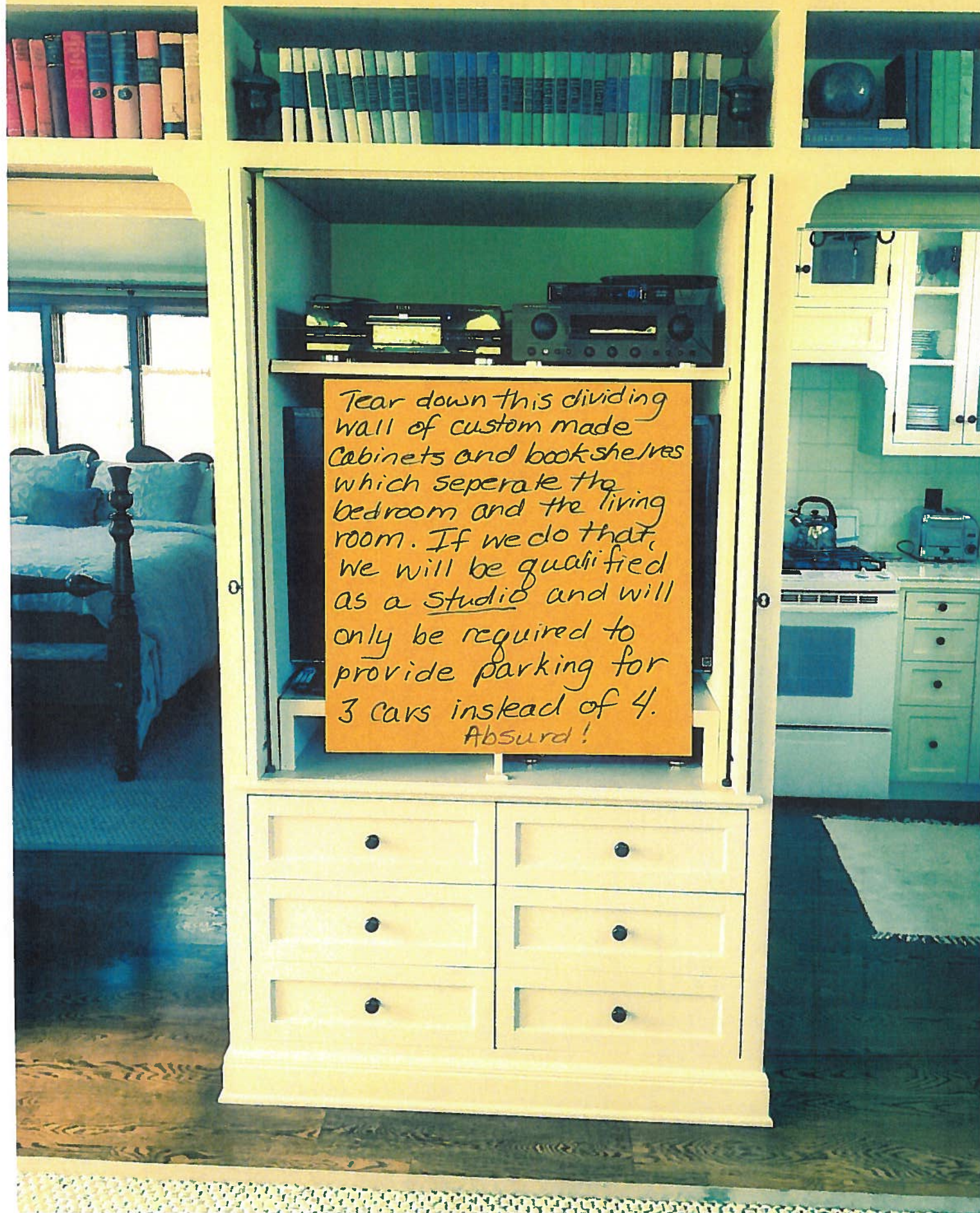
- A. Recent Action by the California Coastal Commission on Short-Term Rentals
- B. Online Survey Results
- C. August 16, 2016 Community Meeting Results

Prepared by: <u>JC</u> JC
Approved by: <u>K.M.</u> KM










Tear this
down? =
one less
car!!!





Tear
IT DOWN
one less
CAR?





Date of Stay ▾	Request review	Post Con
Cheryl C. said... Mar 1, 2017	Privacy and Luxury 121 W Pedregosa St, Santa Barbara, CA, 9 d States	★★★
Don M. said... Jan 2, 2017	Beautiful 121 W Pedregosa St, Santa Barbara, CA, 93101, Unite d States	★★★
Moirra S. said... Dec 6, 2016	Great place to stay in Santa Barbara! 121 W Pedregosa St, Santa Barbara, CA, 93101, Unite d States	★★★★★ +
Vicky said... Nov 17, 2016	Impeccable apartment 121 W Pedregosa St, Santa Barbara, CA, 93101, Unite d States	★★★★★ +
John B. said... Nov 7, 2016	Lovely garage apartment 121 W Pedregosa St, Santa Barbara, CA, 93101, Unite d States	★★★★★ +
Maggie S. said... Oct 21, 2016	Totally Lovely Experience 121 W Pedregosa St, Santa Barbara, CA, 93101, Unite d States	★★★★★ x

Date of
Stay
Oct 9, 2
016

This charming and lovingly cared for apartment is a dream come true. We immediately felt right at home and thoroughly enjoyed discovering all of the very thoughtful details the owner has so beautifully provided. This place is

A sample of
our over
50 5
STAR
Reviews!

views

Helpful
votes: 0/
0

absolutely serene. The beds and bedding are beyond comfortable, and we slept like champions! It was a totally lovely experience. Quiet and peaceful, yet close to all of the best in Santa Barbara. We had a wonderful time here, and would highly recommend this lovely property.

Response

Dick F. said...
Oct 15, 2016

Cozy and Classy Santa Barbara Apartment for One or Two

★★★★★ +

o

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Melanie H. said..

Oct 10, 2016

Great place - peaceful and well loved

★★★★★ +

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Erin L. said...
Sep 13, 2016

Short stay for Santa Barbara Triathlon

★★★★★ +

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Richard V. said...
Aug 22, 2016

Charming, quaint, delightful and perfect are all good words to describe this place.

★★★★★ +

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

1 - 10 of 48 < >

Stay
Jul 6, 20
16
Helpful
votes: 0/
0

charming tutor cottage, and it was by far the best vrbo I have rented in Santa Barbara! Owners Betsy and Pat are lovely people. They will be there if you need them for anything, but you will most certainly have all the privacy you want. The pictures don't do this property enough justice! Although it looks great online, you will be pleasantly surprised just how lovely the apartment and grounds are! It's in a very quiet neighborhood and very easy to get anywhere you want to go to in Santa Barbara or anywhere else for that matter. I would definitely return again and you should not hesitate for a minute to rent the charming tutor cottage! If I could give it more than five stars, I would! Thank you again Betsy and Pat for providing such a lovely place and for your warmth and hospitality!

Response

Emma C. said...
Jul 7, 2016

great place in a fabulous location



121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Margaret S. said
 ...
Jun 14, 2016

Great spot!



121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Lea G. said...
May 18, 2016

A great place to stay in Santa Barbara



121 W Pedregosa St, Santa Barbara, CA, 93101, United States

rc & family said..
 .
May 8, 2016

5 STARS AREN'T ENOUGH!!



121 W Pedregosa St, Santa Barbara, CA, 93101, United States

d States

Linda G. said...
Apr 24, 2015

**Best Place to Stay in Santa
Barbara!**



x

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

**Date of
Stay
Jan 15,
2015
Helpful
votes: 0/
0**

We thoroughly enjoyed our stay. This 1 bedroom apartment is extremely comfortable with all the touches of a luxury B&B. The location is quiet yet close enough to walk to downtown. A great ice-cream parlor and breakfast place are just around the corner. The owners are a lovely couple who can give you tips on all there is to see and do in Santa Barbara. We plan to return soon!

Recommended for: Sightseeing, Tourists without a Car, Adventure Seekers, Age 55+, Romantic Getaway.

Response

41 - 48 of 48 < >

Jul 7, 2016

ation

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Margaret S. said

Great spot!



...
Jun 14, 2016

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Lea G. said...
May 18, 2016

A great place to stay in Santa Barbara



121 W Pedregosa St, Santa Barbara, CA, 93101, United States

rc & family said..

5 STARS AREN'T ENOUGH!!



May 8, 2016

121 W Pedregosa St, Santa Barbara, CA, 93101, United States

Date of
Stay
May 4, 2016
Helpful
votes: 0/0

In town for our youngest daughter's graduation from Westmont (woohoo!), we didn't make a reservation soon enough at the usual vrbo that we frequent - so we picked Betsy's place. What a lucky break for us! Within hours we had reserved the Thanksgiving holiday and can't wait to return to this adorable home. There is not one thing that wasn't absolutely perfect. I manage vacation homes near Sequoia Nat'l Park and I admit that I'm hyper critical when scrutinizing a property. Betsy has done an outstanding job of decorating, supplying and maintaining this home with her guests' ultimate satisfaction being the goal. No detail is overlooked and the house was immaculate! Thoroughly delightful in every way.

Recommended for: Sightseeing, Tourists without a Car, Adventure Seekers, Age 55+, Romantic Getaway.

Response

Marck Aguilar

From: Julie Rodriguez on behalf of Community Development PC Secretary
Sent: Tuesday, April 11, 2017 11:20 AM
Cc: Beatriz Gularte; Scott Vincent; Marck Aguilar; Danny Kato
Subject: FW: NZO - Staff Memo April 11, 2017; and Public Comments Rec'd 3/22-4/10/17
Attachments: NZO Staff Memo 4.11.17.pdf; NZO PublicComments-3.22.17-4.10.17.pdf

Dear Commissioners,

Attached are two files that NZO Staff has asked that you have prior to this Thursday's meeting:

- Staff Memo (re: Accessory Dwelling Units); and
- A compilation of NZO-related public comments received through various channels, March 22, 2017 through April 10, 2017. Please note that some of these letters you may have already previously received.

Kindly,
Julie

Julie Rodriguez

Planning Commission Secretary

CITY OF SANTA BARBARA, Community Development

(805) 564-5470 x 4535 | PCSecretary@SantaBarbaraCA.gov

Marck Aguilar

From: Fred Sweeney <fredlsweeney@gmail.com>
Sent: Friday, March 31, 2017 11:40 AM
To: Marck Aguilar
Cc: Jaime Limon; Kaitlin Mamulski
Subject: City of Santa Barbara NZO response
Attachments: SFDB Reponses to NZO staffs memo of March 8.docx
Categories: Orange Category

Marck, attached is the SFDB response to the last set of responses from the staff concerning SFDB's previously submitted comments and questions as shared at the Planning Commission meeting of March 9, 2017. We welcome your response and request that you forward this communication to the Planning Commission prior to the Planning Commission meeting of April 13th.

Thank you.

Fred



Fred L. Sweeney AIA
Architect/Consultant
Watercolor Painter

10 East Quinto Street
Santa Barbara, CA 93105
(C) 805.448.4392
(I) 805.687.0656

fredlsweeney@gmail.com
www.fredlsweeneyarchitect.com

Single Family Design Board NZO Memo
March 31, 2017

Reponses to NZO staffs memo of March 8, 2017

The following are responses to staff's calcifications and comments introduced at the planning commission meeting of Thursday March 9, 2017, at which time it was made aware that such comments were available for review.

It should be pointed out that review has been made of all comments and the clarifications are much appreciated. However there are some additional issues and concerns as outlined below:

1. Basements and FAR calculations.

There still appears to be some discrepancies between the definition of a basement and how it is used to calculate an FAR. Under definitions **28.80.010 Basements** a basement is defined as "Any floor of a building that is partially below and partially above grade". By inference it is referring to a "floor" which would assume there is some sort of finished or supportable surface vs. dirt, sand, or gravel. This definition does not indicate that it can be part of **Livable Floor Area** as defined further in this section under **Floor Area**. That definition refers to "unfinished" areas; including basements which are not counted as "floors" where they are unfinished. This has a significant effect on FAR calculations particularly in a city where we have many existing homes on steep slopes. This has a cumulative negative effect on FAR calculations particularly when these areas under "floors" are not finished but rather existing undeveloped sloped grades.

- 2.** The SFDB would like to hear a discussion from the Planning Commission regarding the issue of elimination of "both adjacent" property owners agreement with regards to encroachments. Refer to staff's comments under **28.40.100**
- 3. Figure 28.04.060 (A) (B) and (C) and 28.40.100 (D) (6).** Both of these diagrams concern measurements to property lines and other elements. Both of these diagrams are of "roofs" not floor plans. Measurements should be to walls, not to roofs or eave overhangs. This will make it consistent of how measurements are defined in the Uniform Building Code. Also measurements, by convention, should not be made from property line to edge of balconies. That can be covered by "design guidelines" such as used by the SFDB.
- 4. Figure 28.40.10(C) (6). Landings and Outside steps.** The diagrams indicated that "no covering" is allowed over the door opening. This is in contradiction to good building and architectural practice to assure protection from damage caused by rain and other elements. The purpose of a covering is to protect that opening. This is also contrary to the emergency code information just released by the State of California in response to water damage and other circumstances contributing to the deterioration of balconies and other "attached and exposed" elements not protected from the weather.

5. **Figure 28.40.100 Encroachments.** The first story deck height dimension requires a maximum of 18 inches above existing grade. This assumes our entire city is flat. This requirement puts extra ordinary penalties on projects with sloped sites.
6. Definitions of **“finish grade”**, **“existing grade”** and **“natural grade”** These definitions are dispersed throughout this document. The architecture/engineering professions have to utilize these meanings to ascertain how something is placed on the ground. There needs to be further consideration in how these terms are used.
 - a. **Finish grade**, should refer to the projects completed grades when construction is complete
 - b. **Existing grade** should be used to indicate grades on a site before any construction is proposed.
 - c. **Natural grade**, should not be used, because that can also be interpreted as “existing grade”

Respectfully Submitted

Fred L. Sweeney AIA
2017 Chair SFDB

Single Family Design Board NZO Memo
March 31, 2017

Responses to NZO staffs memo of March 8, 2017

The following are responses to staff's calcifications and comments introduced at the planning commission meeting of Thursday March 9, 2017, at which time it was made aware that such comments were available for review.

It should be pointed out that review has been made of all comments and the clarifications are much appreciated. However there are some additional issues and concerns as outlined below:

1. Basements and FAR [Floor Area Ratio] calculations.

There still appears to be some discrepancies between the definition of a basement and how it is used to calculate an FAR. Under definitions **28.80.010 Basements** a basement is defined as "Any floor of a building that is partially below and partially above grade". By inference it is referring to a "floor" which would assume there is some sort of finished or supportable surface vs. dirt, sand, or gravel. This definition does not indicate that it can be part of **Livable Floor Area** as defined further in this section under **Floor Area**. That definition refers to "unfinished" areas; including basements which are not counted as "floors" where they are unfinished. This has a significant effect on FAR calculations particularly in a city where we have many existing homes on steep slopes. This has a cumulative negative effect on FAR calculations particularly when these areas under "floors" are not finished but rather existing undeveloped sloped grades.

Staff Response: Unfinished crawlspaces are excluded from the measurement of Floor Area (NZO pg. I-12; 28.040.070.B) as are portions of a building less than five feet from floor to ceiling. Floor Area Ratio (FAR) is not limited to "Livable Floor Area" because it also includes storage buildings, garages, and carports, etc. The floor area exclusions for FAR for "below grade" floors is on page II-11. It reads that any "floor" that is partly below and partly above grade such as basement, cellar or understory may be excluded from FAR depending on how much of the floor is "below grade." Staff will consider revisions to NZO 28.04.070.B (the "Excluded from Floor Area" subsection) to address attics without floor joists or stairs, and unfinished areas where there is no structural floor nor finished floor. See subsequent version when released for Ordinance Committee.

2. The SFDB would like to hear a discussion from the Planning Commission regarding the issue of elimination of "both adjacent" property owners agreement with regards to encroachments. Refer to staff's comments under **28.40.100**

Staff Response: Proposed removal of the adjacent neighbor support requirement for Minor Zoning Exceptions of certain alterations in setbacks is presented for discussion in the April 6, 2017 Planning Commission Staff Report (page 7).

3. **Figure 28.04.060 (A) (B) and (C) and 28.40.100 (D) (6).** Both of these diagrams concern measurements to property lines and other elements. Both of these diagrams are of “roofs” not floor plans. Measurements should be to walls, not to roofs or eave overhangs. This will make it consistent of how measurements are defined in the Uniform Building Code. Also measurements, by convention, should not be made from property line to edge of balconies. That can be covered by “design guidelines” such as used by the SFDB.

Staff Response: Staff concurs. Diagrams showing measurements will be reviewed and revised to better clarify. See subsequent version when released for Ordinance Committee.

4. **Figure 28.40.100(C) (6). Landings and Outside steps.** The diagrams indicated that “no covering” is allowed over the door opening. This is in contradiction to good building and architectural practice to assure protection from damage caused by rain and other elements. The purpose of a covering is to protect that opening. This is also contrary to the emergency code information just released by the State of California in response to water damage and other circumstances contributing to the deterioration of balconies and other “attached and exposed” elements not protected from the weather.

Staff Response: Staff concurs and NZO section 28.40.100.C.6 will be revised to allow an awning or eave. The figure will be revised to reflect the change. See subsequent version when released for Ordinance Committee.

5. **Figure 28.40.100 Encroachments.** The first story deck height dimension requires a maximum of 18 inches above existing grade. This assumes our entire city is flat. This requirement puts extra ordinary penalties on projects with sloped sites.

Staff Response: The current Zoning Ordinance allows for a maximum 10-inch high deck to encroach into the setback. Anything above that 10-inch maximum height would require approval of a modification request. Because an 18-inch high deck is exempt from a building permit, and applicants are often unaware that a more restrictive 10-inch high zoning limitation within a setback remains applicable, the NZO is proposing some flexibility such that a 10-inch to 18-inch high deck would require a Minor Zoning Exception (MZE) rather than be subject to a modification approval. A modification request would still be the process for flat or sloped lots with decks higher than 18 inches.

If a deck does not encroach into the setback, the maximum height for a deck is 36 inches within the open yard. And if a deck does not encroach into the setback or open yard, the maximum height is the same as the maximum building height in the zone.

6. Definitions of “**finish grade**”, “**existing grade**” and “**natural grade**” These definitions are dispersed throughout this document. The architecture/engineering professions have to utilize these meanings to ascertain how something is placed on the ground. There needs to be further consideration in how these terms are used.
- a. **Finish grade**, should refer to the projects completed grades when construction is complete
 - b. **Existing grade** should be used to indicate grades on a site before any construction is proposed.
 - c. **Natural grade**, should not be used, because that can also be interpreted as “existing grade”

Staff Response: The Draft NZO definitions (Section 28.81.070 “G”) of “Grade, Finished” and “Grade, Existing” are in essence, the same as those noted in the comment, with the addition of a five-year rebuttable presumption for Grade, Existing to prevent circumvention of height limitations.

Staff concurs that “natural grade” should not be used and therefore, has excluded such a definition within the proposed *New Zoning Ordinance*, Title 28. However, the term “natural grade” appears elsewhere in the broader Municipal Code necessitating the statement that “existing grade may also be referred to as natural grade.” A comparison of definitions is provided.

- a. **Finish grade**, should refer to the projects completed grades when construction is complete

NZO: Grade, Finished. The topographic elevations representing the ground surface upon project completion. Finished grade may also be referred to as proposed grade.

- b. **Existing grade** should be used to indicate grades on a site before any construction is proposed.

NZO: Grade, Existing. The topographic elevations representing the surface of the ground five years prior to the application date for grading, filling, or other site alterations for the project. Existing grade may also be referred to as natural grade.

Respectfully Submitted

Fred L. Sweeney AIA
2017 Chair SFDB

Marck Aguilar

From: Marck Aguilar
Sent: Monday, April 03, 2017 10:04 AM
To:
Subject: RE: New Zoning Ordinance (NZO) Website Feedback

Hello Ms. Adams,

The Zoning Ordinance (and New Zoning Ordinance) regulates private land uses, and not the right of way such as streets and sidewalks.

Included here is a link to the City's 2011 General Plan Circulation Element (with the 1997 Circulation Element as well) which outlines overall circulation goals and policies.

<http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=16905>

Your comments will be forwarded to the Planning Commission, Principal Traffic Engineer, and Supervising Transportation Planner.

Marck Aguilar

Project Planner

CITY OF SANTA BARBARA, Community Development
(805) 564-5399 | MAguilar@SantaBarbaraCA.gov

From: MAguilar@SantaBarbaraCA.gov [<mailto:MAguilar@SantaBarbaraCA.gov>]
Sent: Friday, March 31, 2017 7:58 AM
To: Marck Aguilar <MAguilar@SantaBarbaraCA.gov>
Subject: New Zoning Ordinance (NZO) Website Feedback

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : Denice S Adams

Email Address: :

Comments: : Urbanization requires public streets be used to transport people and goods by truck, auto, bike and on foot or wheelchair. The NZO needs an improved section on parking. Santa Barbara needs to adopt a Mission Statement on the purpose for our public streets, and then adopt standardized guidelines to facilitate decision making. Public streets are exactly that: for use by the public. They are not owned by residents. Streets use for private benefit should be paid for by the user. It's necessary for safety, commerce and transit by all users. Define required functional widths. Breakdown commercial street width requirements from residential as per uniform building code. Next, define standards: 18' is required for each vehicle lane in residential and 3' for a bike lane lane. In areas without sidewalks, an additional 3' for walkers and wheelchairs. Parking on one side of street requires additional 14'. A one way street with sidewalks requires 21' with no parking; 36' with parking on one side and 50' with parking on 2-sides. No commercial or service vehicles wider than 11' allowed to park on a residential street for longer than 2-hours without a temporary service truck pass or daily or monthly pass purchased on-line or at Granada Parking Office. Residents desiring an on-street parking pass may purchase for \$10/day or discounted \$150/month for vehicles; and \$15/day or \$250/month for service and commercial trucks. Posted 75- or 90-minute time limits apply to street parking unless parking permit decal displayed . All generated revenues are to be used for street improvements, maintenance, program staff operations and enforcement. Apartment complexes are charging \$75-\$125/mo for off street parking so the City should charge a comparable amount for private parking use.

Marck Aguilar

From: Marck Aguilar
Sent: Monday, April 10, 2017 11:27 AM
To: Marck Aguilar
Subject: FW: STR in R-4 zone

From: Julie Rodriguez **On Behalf Of** Community Development PC Secretary
Sent: Wednesday, April 05, 2017 2:24 PM
Cc: Renee Brooke <RBrooke@SantaBarbaraCA.gov>; Beatriz Gualarte <BGualarte@SantaBarbaraCA.gov>; Scott Vincent <SVincent@SantaBarbaraCA.gov>; Deborah Applegate <dapplegate@SantaBarbaraCA.gov>
Subject: FW: STR in R-4 zone

Dear Commissioners,

The following public comment letter from Michelle Nannini is being forwarded to you for tomorrow's CC/PC meeting.

Kindly,
Julie

Julie Rodriguez
Planning Commission Secretary
CITY OF SANTA BARBARA, Community Development
(805) 564-5470 x 4535 | PCSecretary@SantaBarbaraCA.gov

From: Michelle Nannini [<mailto:nannini.michelle@gene.com>]
Sent: Wednesday, April 05, 2017 12:59 PM
To: Frank Hotchkiss <fhotchkiss@santabarbaraca.gov>; Randy Rowse <rrowse@santabarbaraca.gov>; Jason Dominguez <jdominguez@santabarbaraca.gov>; Cathy Murillo <cmurillo@SantaBarbaraCA.gov>; Harwood "Bendy" White <hwhite@SantaBarbaraCA.gov>; Helene Schneider <HSchneider@SantaBarbaraCA.gov>; Gregg Hart <ghart@SantaBarbaraCA.gov>; Community Development PC Secretary <pcsecretary@SantaBarbaraCA.gov>
Subject: STR in R-4 zone

Dear Mayor, City Council, and Planning Commissioners,

Some of you have heard for me before concerning our STR in the R-4 zone. We are UCSB alum and currently live in the bay area. We purchased our second home in Santa Barbara in 2009 so that we could regularly visit this beautiful city with our 3yr old son and rent it out while we are not using it.

We were going through the process of the required hotel conversion (which the city said was required even though it is a one unit property) and hit many roadblocks along the way making the process nearly impossible to become a STR. We have already spent over \$5,000 in city, planner, and lawyers fees. We have always followed the rules for using our STR including obtaining a business license and paying hotel taxes.

It was very concerning to hear that the NZO committee tried to state that STRs would not be considered residential use even when they specifically stated that they would not address STRs. Additionally, requiring a conversion from residential use for a STR would also go against the Coastal Act and completely contradict the CCC which says it's a residential use.

I hope you take the time to listen to all our concerns and allow those of us that own in the R-4 zone (where it is legal to have STRs) to use our homes as such.

Thank you,
Michelle Pepe

**Single Family Design Board
City of Santa Barbara**

April, 5, 2017

Mayor and City Council, City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93102

Subject: State Regulation AB 2999

RECEIVED
APR 05 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Mayor and City Council Members

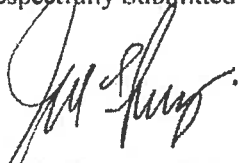
At our meeting of April 4, 2017 we reviewed the recent letter from the Historic Landmarks Commission to the mayor and council regarding the implantation of State Regulation AB 2299 for Accessory Dwelling Units or "Secondary Dwelling" units as referred in the cities NZO process. In light of that discussion we are submitting this letter to urge the council to set in motion the immediate implementation of an ordinance process, as stipulated by AB 2299, to develop the City's own ordinance concerning this matter.

Although it is clear from our reading of this new law, which went into effect January 1st of this year, that the SFDB will have very little purview, if any, we find that there may some areas of this law which may present some unintended consequences. We outline some below.

1. There may be a need review the possible location of such units on certain parcel sizes.
2. Placement of some of these units in our high fire areas units might have an impact on the safety, evacuation, and other circumstances related to those areas particularly effect might be on fire events.
3. There may be some circumstances where an applicate for a single family home might, practically if they have the means, game the system to increase the square footage of an existing or proposed residence. This might occur even when our board exercises' it's due diligence with regards to its use of the 85% FAR guideline. An applicant might simply get a review compliance with the 85% rule and then add up to an additional 1200 square feet to the proposed project. That additional square feet requires no discretionary review.
4. The SFDB feels that by having a definitive ordinance concerning ADU's they will have a clear understanding of how it carry out their review duties, particularly when such a proposed element is part of a main structure.
5. The SFDB would also suggest that a new ordinance address how previously illegal secondary dwelling units should be dealt with.

We would request such review of this new law be carried out through the normal ordinance process and the SFDB be apprised of its progress.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Fred L. Sweeney', written over the printed name.

Fred L. Sweeney AIA
2017 Chair of the SFDB

Copies: City of Santa Barbara Planning Commission
Jaime Limon, Senior Planning, Design Review Supervisor
Katie Mamulski, Planning Support Staff
State Senator, Hannah-Beth Jackson
State Assembly Member, Monique Limon

Marck Aguilar

From: Marck Aguilar
Sent: Thursday, April 06, 2017 5:10 PM
To: 'Angela'
Cc: Danny Kato
Subject: RE: City Council and Planning meeting - April 6

Angela,

The current ordinance does not specifically identify that private open yard is prohibited in a creek setback, however there are requirements for private open yard such as it has to be contiguous to and accessible from the unit served. Since creeks are not useable areas, and it is the City's practice to not allow private open yards to be in creeks, we have drafted language in the NZO to clarify our current practice. This only applies to the required private open yards for each unit, not any of the other required open yard areas.

Marck Aguilar

Project Planner

CITY OF SANTA BARBARA, Community Development
(805) 564-5399 | MAguilar@SantaBarbaraCA.gov

From: Angela [<mailto:angoneilin@gmail.com>]
Sent: Thursday, April 06, 2017 5:02 PM
To: Marck Aguilar <MAguilar@SantaBarbaraCA.gov>
Subject: Re: City Council and Planning meeting - April 6

Hi Mark,

Thank you for your response.

So for a 3 unit complex, can the private open yard space currently be allocated within the 25ft creek setback? And that is changing w the NZO, correct?
-Angela

On Apr 6, 2017, at 4:38 PM, Marck Aguilar <MAguilar@SantaBarbaraCA.gov> wrote:

Hello Ms. O'Neilin,

The following information is presented in response to your question (April 5, 2017 email to City Council and Planning Commission) about open yard and private open yard limitations as they relate to creek areas.

Your inquiry begins by noting that you own property in the R-4 (multi-unit residential) zone, next to Mission Creek. You further state that you intend to build "an additional housing structure" on the property. It is unclear whether there is one existing unit and one additional unit is proposed for a total of two units on the site, or whether there would be three or more units on the site after adding the "additional housing structure." The distinction is relevant because open yard (and private open yard if applicable) as proposed in the NZO, will differ between sites with up to two units and sites with three or more units. I'll attempt to clarify both.

Quickly though, one and two-unit development sites require Open Yard. Sites with three or more units, or mixed-use development, require both Open Yard and Private Open Yard.

NZO 28.40.150.C.1 specifies Minimum Area and Dimensions for Open Yard (and only Open Yard) on lots developed with either one or two units.

The Open Yard area required is either 800 square feet or 1,250 square feet (depending on lot size and number of units). The current Zoning Ordinance does restrict development within 25-feet of the top of either bank of Mission Creek (SBMC 28.87.250) and the NZO would carry that forward in NZO 28.40.060. Open Yard would be allowed within 25-feet of the top of either bank of Mission Creek provided that it did not include structures or other development.

NZO 28.40.150.C.2.a and C.2.b present the minimum area and dimensions for Open Yard on lots with multi-unit residential (which is three or more residential units on a lot) or mixed-use development.

For those development types, NZO 28.40.150.C.3 would *additionally* require Private Open Yard for each residential unit (ranging from 100 square feet up to 160 square feet, depending on number of bedrooms). Private Open Yard is often provided as a small yard or deck on the ground floors and balconies on upper floors. In the current Zoning Ordinance, Private Open Yard is referred to as Private Outdoor Living Space, and since private open space is required to be contiguous and accessible from the unit served, it would not be allowed in a watercourse or watercourse development limitation area where decks and patios would not be allowed.

NZO 28.40.150.E.5 stipulates location requirements for Private Open Yard and prohibits Private Open Yard "within any watercourse, or within any required watercourse development limitation area." It is these smaller Private Open Yards, that when required because there are three or more units on the lot, are prohibited from being within watercourses or watercourse development limitation areas because development and activity within watercourse areas may limit the activity and enjoyment of residents for whom the Private Open Yard is provided. Open Yard would be allowed within 25-feet of the top of either bank of Mission Creek provided that it did not include structures or other development.

For one- and two-unit developed sites, the creek restriction would not be applicable as Private Open Yard would not be applicable.

I hope this helps clarify, and would welcome any follow up questions.

Marck Aguilar

Project Planner

CITY OF SANTA BARBARA, Community Development
(805) 564-5399 | MAguilar@SantaBarbaraCA.gov

From: Julie Rodriguez on behalf of Community Development PC Secretary

Sent: Wednesday, April 5, 2017 2:24 PM

Cc: Renee Brooke; Beatriz Gularte; Scott Vincent; Deborah Applegate

Subject: FW: City Council and Planning meeting - April 6

Dear Commissioners,

The following public comment letter from Angela Oneilin is being forwarded to you for tomorrow's CC/PC meeting.

Kindly,
Julie

Julie Rodriguez

Planning Commission Secretary

CITY OF SANTA BARBARA, Community Development
(805) 564-5470 x 4535 | PCSecretary@SantaBarbaraCA.gov

From: Angela O [<mailto:angoneilin@gmail.com>]

Sent: Wednesday, April 05, 2017 2:13 PM

To: Frank Hotchkiss <fhotchkiss@santabarbaraca.gov>; Randy Rowse <rrowse@santabarbaraca.gov>; Cathy Murillo <cmurillo@SantaBarbaraCA.gov>; Helene Schneider <HSchneider@SantaBarbaraCA.gov>; Harwood "Bendy" White <hwhite@SantaBarbaraCA.gov>; Gregg Hart <ghart@SantaBarbaraCA.gov>; Community Development PC Secretary <pcsecretary@SantaBarbaraCA.gov>

Subject: City Council and Planning meeting - April 6

April 5, 2016

Dear City Council and Planning Commission,

I am a property owner in R-4 zone of West Beach, located next to Mission Creek.

I am in the process of putting together a building plan to build an additional housing structure on my property. I bought this property with the understanding vacation rentals were a permitted use in this area. The previous owner and many of my fellow neighbors were previously and legally offering rooms in their home (or their entire home) as temporary vacation rentals. These rentals provided tourist housing at significantly cheaper rates than the local hotels. This procedure seems consistent with California Coastal Commission (CCC) plan to provide low income tourists with affordable housing options along coastal areas. In July 2015, the city virtually banned all short term vacation rentals; none of my neighbors have been able to get a permit to continue to operate their vacation rental. I would like to know how many vacation rental permits have been approved since the ban in July 2015? This process seems to be in direct violation of CCC to provide low-cost tourist housing options.

I was told I would be required to get a hotel permit, if I had two houses on my property, even if I only plan to rent one as a vacation rental. This section of the code is confusing and contradictory to what I was informed at City Zoning Counter.

Chapter 28.43 Conversion of Residential Units to Condominiums, Hotels, or Similar Uses

Exceptions to Requirements for Conversion Permits. The following shall be exempt from the provisions of this Chapter:

1. A project creating a condominium, hotel or similar use and using no more than one existing residential unit as part of said project shall not be considered a conversion. To qualify for this exception, the number of residential units on the project site shall not have been previously reduced

by use of this exception clause. For the purposes of this exclusion, the number of existing residential unit(s) shall be determined on the date of application for the permit.

It is my understanding that the City has asked to postpone addressing short term rentals in their Coastal Update Plan until Winter of 2018. How will they be able to adequately understand the impact of eliminating or offering short term rentals when they will have been banned for over 3 years by that time? Currently R-4 property owners wishing to rent their home (and primary residence) for less than 30 days are deemed to be operating a hotel and must jump through a lengthy and expensive process to obtain the business permit to operate a hotel. It seems the city is enforcing this standard even though they have decided to postpone addressing a policy on short term rentals until next year. The expense the owner incurs to abide by current code interpretations will ultimately result in a more costly rental property, and thereby further eliminate low-cost housing options for tourists and residents. Additionally if the home owner decides to rent their vacation home for a longer time period to avoid having to obtain a vacation rental permit, it appears they will then be subject to the tenant protection provision, a fee of at least \$5,000 per unit, if they later decide to try and get a vacation rental permit.

28.43.150 Tenant Protection Provisions

G. Moving Expenses. The subdivider shall provide moving expenses of four (4) times the median advertised rental rent or \$5,000, whichever is greater, to any tenant who relocates from the building to be converted after approval of the condominium conversion by the City, except when the tenant has given notice of intent to move prior to receipt of notification from the subdivider of the intent to convert.

Lastly, I am confused by language in the NZO as it pertains to open yard requirement for multifamily residential units along Mission Creek. My property currently has a 25ft rear setback requirement due to Mission Creek being at the rear of my property. The language of the section listed below seems to imply I will not be able to use the 25ft rear setback as part of my required open yard space. This would virtually eliminate my ability to build any additional structures on my property, and consequently feels as though the city is taking ownership of this open space without actually purchasing the land from me.

FIGURE 28.40.150(C)(1): OPEN YARDS--MULTI-UNIT RESIDENTIAL AND MIXED-USE

Creeks. Private open yards areas may not be located within any watercourse, or within any required watercourse development limitation area.

I hope that you will take my concerns into consideration and help to create fair and transparent policies for home owners to follow.

Sincerely,

Angela O'Neilin

Marck Aguilar

From: Jim Byrne
Sent: Saturday, April 08, 2017 1:18 PM
To: Marck Aguilar
Subject: NZO Staff Memo 3/1/17

Hi Marck,

Thank you for addressing my comments from the open house. My comment regarding parking in the setback was not fully understood, I guess, in that I was just pointing out that it was not specifically stated that the required planting area was to be on the side of the parking area adjacent to the interior lot line (I assume). Your change to the ordinance shown in the subject memo still leaves that unclear and should probably include some words to make that clear.

Also, just to clarify the paraphrased comment attributed to me in the subject memo, I actually made two comments regarding parking. One comment was as stated above, and the second was a suggestion that an uncovered residential parking space (like that allowed by 28.90.100 G. 1. b.) should be allowed to encroach into the front setback provided it is not in the front yard. This would be the case where an uncovered spot is desired adjacent to a legally nonconforming house built to a 15 foot setback, with now a 20 foot setback requirement. The parking space could be next to the structure and not in the front yard (defined by the line parallel to the structure) but hindered by the 20 ft setback.

Thanks,
Jim Byrne

Marck Aguilar

From: Kurt Huffman
Sent: Monday, April 10, 2017 6:04 PM
To: Marck Aguilar
Subject: Re: NZO Feedback - Fence and Hedge sections

Mr. Aguilar:

Thank you. We will be out of town for the next meeting this week. To whom should we send a letter of support?

You can mark us down as supporting by this email, but I assume you would like a letter sent to you or Planning. Just let me know how I can assist.

We appreciate your work in re-connecting this back to the directly-affected concept as per the hedge ordinance public comment now some years ago!

Kurt Huffman
119 Cedar Ln

On Tue, Mar 28, 2017 at 3:42 PM, Marck Aguilar <MAguilar@santabarbaraca.gov> wrote:

Hello Mr. Huffman,

The Minor Zoning Exception (MZE) process will involve a noticed public hearing, and this would include MZEs for fences/hedges. The step involving documented "neighbor support requirement" would be dropped.

Marck Aguilar

Project Planner
CITY OF SANTA BARBARA, Community Development
(805) 564-5399 | MAguilar@SantaBarbaraCA.gov

From: Kurt Huffman [mailto:
Sent: Thursday, March 23, 2017 10:03 AM
To: Marck Aguilar <MAguilar@SantaBarbaraCA.gov>
Subject: Fwd: NZO Feedback - Fence and Hedge sections

Mr. Aguilar:

Can you please give me feedback on the status of our request to consider "directly-affected" as it relates to heights of fences and hedges in the NZO?

This would be a simple fix and many people will not even know it affects them until it is too late if this inconsistency is not worded correctly -- to something similar to the vocal and consistent chorus of opinion during the prior hedge ordinance review.

There was overwhelming support for directly-affected status and, as per my prior memo, there are numerous instances of where the current wording does not support the desired outcome since not all directly-affected neighbors are given the same protection.

I was present throughout the fences and hedges public comment and ordinance process and have participated in the NZO process. I am sure the City means well with the current wording, but the unintended consequences of remaining with the current wording (shared lot lines) is not sufficient to address the people's concern.

The spirit of the current NZO states no exception will be granted to the detriment of neighbors' properties. Yet these neighbors have no method of making their position known under the new NZO wording which excludes public hearings for fences and hedges. If public hearings are not viable, notice to neighbors within 50 feet would be an appropriate surrogate.

Respectfully,

Kurt Huffman

----- Forwarded message -----

From: **Kurt Huffman** <

Date: Thu, Mar 9, 2017 at 11:04 AM

Subject: NZO Feedback - Fence and Hedge sections

To: "Aguilar, Marck" <MAguilar@santabarbaraca.gov>

Cc: "Brooke, Renee" <rbrooke@santabarbaraca.gov>, "Kato, Danny" <dkato@santabarbaraca.gov>

Mr. Marck Aguilar:

See attached PDF files for feedback on the NZO draft.

One file is a text memo providing feedback and two files are attachments as referred to in the comment memo.

If you have any questions, please do not hesitate to contact me. I am traveling for business, but can be reached by email or cell phone

Thank you for your time and efforts on the NZO.

Kurt Huffman

119 Cedar Ln

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CITY OF SANTA BARBARA
PLANNING DIVISION
BOARD OF OFFICERS

ALLIED

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April 10, 2017

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Association

Samarkand Neighborhood
Association

Santa Barbara Upper East
Association

Veronica Springs Neighborhood
Association

To: Planning Commission
NZO Planning Staff (Danny Kato, Marck Aguilar)

Re: NZO (April 13, 2017 meeting)
Distance between Buildings, and related questions

Allied Neighborhoods Association is submitting this letter because we've been discussing the Draft NZO as it relates to the elimination of distance between buildings requirement in our current Zoning Ordinance (pertaining to residential zones), and it has brought up numerous questions.

We request that this specific topic (distance between buildings) and some related issues mentioned below be discussed at the meeting Thursday.

It feels like we are operating in a bit of an information vacuum.

This topic (distance between buildings) was briefly discussed during Module 2 in March 2016, and since then the state mandate Accessory Dwelling Unit law was passed in latter 2016 and is now in effect. From our limited grasp of the ADU, it appears there are some very limited "standards" that local jurisdictions are allowed to enact (but any details regarding these have not yet been brought forward by planning staff). Then we asked, what existing zoning standards can, or cannot, be allowed with ADU? And, is there a difference between a particular existing zoning standard (and whether that's still allowed) compared to trying to enact a (similar) zoning standard as part of the limited standards the City may be allowed to enact going forward (for example, eliminating distance between buildings and later realizing we need a requirement but are precluded at the later date)?

Regarding our existing Zoning Ordinance, and the ADU, is the City still allowed to have:

- Side and rear setbacks?
- Open yard requirements?
- Distance between building requirements?
- What else is the City not allowed as it pertains to our

existing Zoning Ordinance? (This is within the context that we understand that our existing granny unit or second unit ordinance is null and void, that design review is not allowed for ADUs, and that there are some very specific parking rules which must be adhered to.)

Additionally, we question why there needs to be a wholesale elimination of our existing residential distance between buildings requirements. We've had this requirement on the books for decades and it appears to have served us well, as we have wonderful residential neighborhoods.

Furthermore, it was mentioned by staff back in early 2016 (as a reason why it's ok to eliminate any requirements) that design review will review distance between buildings - but as design review requires a trigger (such a special district or other requirement), we question whether design review will be required in all such situations. Thus it seems prudent to keep our existing distance between buildings requirements.

Additional points on this topic include:

- A requirement for distance between buildings is necessary for livability, light and air, safety, privacy, etc.
- Keeping our existing residential requirement for distance between buildings allows us to have maximum flexibility. If down the line we find out we can't enact such a requirement as part of any new allowed local ADU "standards", we've already got something on the books.
- Our greatest concern is with the elimination of any requirements in RS and R-2 zones.

There are a lot of unknowns, and unanswered questions, as it pertains to the City moving forward with the NZO in the context of basically knowing next to nothing about the mandated ADU law and how it affects the details of this work program that's been going on for the past three years. **We think it warrants additional information.**

Sincerely,
Allied Neighborhoods Association